

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11863 of 2016

Arising Out of PS.Case No. -245 Year- 2014 Thana -MAHNAR District- VAISHALI(HAJIPUR)

1. Ram Bali Sahni Son of Ram Lal Sahni, Resident of village- Gorigama,
P.S.- Mahnar, District- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner : Mr. Sanjay Kumar @ Manu

For the State : Mr. Ram Priya Sharan Singh (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 07-09-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Earlier prayer for bail of the petitioner was twice rejected by this court but again, this third bail petition has been filed on behalf of petitioner.

Submission on behalf the petitioner is that the informant is not an eye witness of the alleged occurrence because when his further statement was recorded at paragraph-44 of the case diary, he claimed that alleged occurrence took place in front of market of one Rameshwar Sahani and he reached there, after the alleged occurrence. It is further submitted that the informant in his fardbyan also gave a wrong place of occurrence, which is evident from perusal of paragraph-4 of the case diary.

Learned counsel for the petitioner submits that as a matter of fact, none has seen actual killing of the deceased.

Learned Additional Chief Judicial Magistrate-VI, Vaishali at Hajipur has reported that the case of the petitioner and other accused is still pending for appearance of some of the co-accused persons.

From perusal of the report of the trial court, I find that the police has already submitted charge sheet twice in respect of petitioner and other co-accused and the cognizance has been taken on 25-02-2016 but still, the police has kept the investigating pending in respect of other accused. Moreover, the trial court has reported that the case is pending for appearance of rest co-accused persons.

Considering the aforesaid facts and circumstances as well as submission of the parties, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Mahnar P.S. Case No. 245 of 2014 stands rejected.

However, learned Additional Chief Judicial Magistrate-VI, Vaishali at Hajipur is directed to commit the case of the petitioner to the court of Sessions in accordance with law within two weeks from the date of receipt/production of copy of this order, even by separating the case of the petitioner from the

case of other co-accused.

Let a copy of this order be sent to the Superintendent of Police, Vaishali at Hajipur with direction to him to take initiative, so that, the investigation of the above-said case could be completed within a reasonable time.

(Hemant Kumar Srivastava, J)

A.K.V./-

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